

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FRANK PARKER, WILLIAM BAKER, GORDON  
BELL, JAMES MCCABE, III, EARL BROCKWAY and  
PAUL LYNGARD, as Trustees of the Sheet Metal  
Workers' Local 83 Insurance Fund, et al.,

Plaintiffs,  
-against-

MOUNTAIN AIR HEATING & COOLING, INC. and  
RAYMOND W. PHILLIPS,

Defendants.

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**STIPULATION OF  
SETTLEMENT AND  
DISCONTINUANCE**

Civil Action No.: 06-CV-427

FJS/RFT

**IT IS HEREBY STIPULATED AND AGREED** by and between Pozefsky, Bramley & Murphy, attorneys for Plaintiffs, and James C. Hayes, III, attorney for Defendant Raymond W. Phillips, as follows:

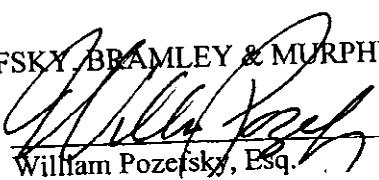
That this action has been settled, and, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, that this action be, and the same hereby is discontinued against Defendant Raymond W. Phillips without costs to any of the parties as against the others.

Plaintiffs further stipulate and agree that by reasons of the discharge in Bankruptcy of Defendant Mountain Air Heating & Cooling, Inc., against which a default was entered herein on May 17, 2006, this action also is hereby discontinued against said Corporate Defendant, without costs against said Corporate Defendant.

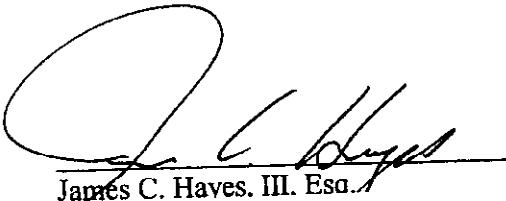
Dated: June 25, 2007

POZEFSKY, BRAMLEY & MURPHY

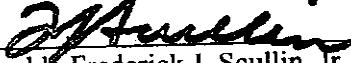
By:

  
William Pozefsky, Esq.

**SO ORDERED**

  
James C. Hayes, III, Esq.

Dated: June 28, 2007

  
Honorable Frederick J. Scullin, Jr.  
Senior U.S. District Court Judge  
United States District Court  
Northern District of New York

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